

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

FELTON BROUSSARD	*	CIVIL ACTION
VERSUS	*	NO. 1:22-CV-461
HILLSIDE LOGISTICS COMPANY, LLC, ET AL	*	JUDGE
	*	MAG JUDGE

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, come Defendants, HILLSIDE LOGISTICS COMPANY, LLC, HALLMARK COUNTY MUTUAL INSURANCE COMPANY AND NICHOLAS BERRY (hereinafter “Defendants”), who with full reservation of rights, file this Notice of Removal and aver that this matter is hereby removed from the 15th Judicial District Court for the Parish of Lafayette, State of Louisiana, to this Court on the following grounds:

BACKGROUND INFORMATION

I.

On October 13, 2021, Plaintiff, Felton Broussard (“Plaintiff”), through Brian C. Colomb of Gordon McKernan Injury Attorneys, filed this action, entitled *Felton Broussard v. Hillside Logistics Company, LLC, et al.*, Case No. C-2021-5338, Div. “D”, 15th Judicial District Court, Parish of Lafayette, State of Louisiana (the “Petition”). (A copy of the Petition for Damages is attached hereto as Exhibit “A” in accordance with 28 U.S.C. § 1446(a)).

THE DEFENDANT HAS SATISFIED THE PROCEDURAL REQUIREMENTS FOR REMOVAL

2.

Hillside Logistics Company, LLC has been made a defendant and served through the Louisiana long-arm statute through its registered agent, Tikam Group, LLC in Carrollton, Texas

on October 28, 2021. An Affidavit of Long-Arm service was filed with the Court on December 21, 2021. Hallmark County Mutual Insurance Company has been made a defendant and served through the Louisiana long-arm statute through its registered agent, Naveen Anand in Dallas, Texas on November 1, 2021. An Affidavit of Long-Arm service was filed with the Court on December 21, 2021. Nicholas Berry has been made a defendant and service was requested through the Louisiana long-arm statute in Olive Branch, Mississippi on October 25, 2021. An Affidavit of Long-Arm service was filed with the Court on December 21, 2021 stating that service was sent by certified mail. The amount in controversy is not facially apparent from the Petition, but on February 4, 2022, Plaintiff produced medical records that suggest that the amount in controversy exceeds \$75,000 (discussed in paragraph 10a below).

3.

The U.S. District Court for the Western District of Louisiana, Lafayette Division, encompasses the 15th Judicial District Court, Parish of Lafayette, State of Louisiana. the parish in which the state court action is now pending. Therefore, this venue is proper pursuant to 28 U.S.C. § 1441(a).

4.

Pursuant to 28 U.S.C. § 1446(a), filed herewith as Exhibit "A" are copies of all process and pleadings served upon the Defendants in the state court proceeding.

5.

Pursuant to 28 U.S.C. § 1446(b), promptly after notice of this removal is filed, written notice hereof will be given to Plaintiff, and a copy of this Notice of Removal will be filed with the Clerk of the aforesaid state court to effect the removal of the civil action to this Honorable Court.

See Exhibit B.

THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. § 1332

6.

This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332.

7.

Upon information and belief, Plaintiff is a resident and domiciliary of the Parish of Lafayette, State of Louisiana.

8.

Defendant, Hillside Logistics Company, LLC is a limited liability company organized in the State of Texas with its principal place of business in Carrollton, Dallas County, Texas. The sole member of Hillside Logistics Company, LLC is Tikam Group, LLC. Tikam Group, LLC is a limited liability company organized in the State of Texas with its principal place of business in Carrollton, Dallas County, Texas. The sole member of Tikam Group, LLC is Eric Kiarie who is domiciled in Grand Prairie, Tarrant County, Texas. Defendant, Hallmark County Mutual Insurance Company is an insurance company who was and is incorporated under the laws of Texas, with its principal place of business in Fort Worth, Tarrant County, Texas. Defendant, Nicholas Berry, is domiciled in Olive Branch, DeSoto County, Mississippi.

9.

Complete diversity of citizenship exists between the Plaintiff and Defendants.

10.

Although the Defendants deny any liability to Plaintiff, the amount in controversy exceeds \$75,000, exclusive of interest and costs. In accordance with Article 893 of the Louisiana Code of Civil Procedure, Plaintiff's Petition does not allege an amount in controversy. Defendants have requested that Plaintiff stipulate that his damages are less than \$75,000, and Plaintiff's counsel has refused to so stipulate. *See Exhibit C.* Defendants firmly deny any liability for the plaintiff's

alleged injuries or damages in this matter. Defendants are free from fault and firmly deny medical causation for the plaintiff's injuries in this matter. The following is for the purpose of establishing the amount in controversy only and is not an admission as to the existence or value of any of Plaintiff's claims.

10a.

Plaintiff claims physical pain and suffering, specifically neck and back pain, mental anguish and/or emotional distress, disability and/or impairment, lost wages and/or loss earning capacity, medical expenses and loss of enjoyment of life. His medical records total \$26,683.86 to date. After the accident on October 10, 2020, and through the end of 2021, he underwent chiropractic and physical therapy and MRI scans of the cervical and lumbar spines. He is treating with an orthopedic surgeon. He has disc herniations at C4-5 and C5-6 and spondylolisthesis at L4-5. Plaintiff has had cervical and lumbar epidural injections and his doctor has recommended lumbar surgery (right L4-5 laminotomy with microdiscectomy), and that surgery is scheduled for March 7, 2022. See **Exhibit D, *in globo*.**¹ Although we have not received an estimate for surgery, we expect that it will significantly increase the amount of special damages alleged by tens of thousands of dollars. Additionally, Plaintiff has made a claim for general damages, which given his medicals and the upcoming surgery, we expect will cause his total damages to be well in excess of \$75,000 if he is successful in proving his claims. **Exhibit A.**

11.

The Defendant reserves the right to amend or supplement this Notice of Removal.

12.

The following Exhibits are attached hereto and incorporated here in:

¹ Because **Exhibit D** contains sensitive confidential medical information, Defendants are filing it separately with a Motion to for Leave to File Exhibits under Seal.

- A. Plaintiff's State Court Filings;
- B. Notice of Filing of Notice of Removal;
- C. Plaintiff's counsel's email of November 15, 2021 advising unable to stipulate;
and
- D. Plaintiff's Medical and Billing Records.²

WHEREFORE, Defendants, HILLSIDE LOGISTICS COMPANY, LLC, HALLMARK COUNTY MUTUAL INSURANCE COMPANY, AND NICHOLAS BERRY, pray that the matter entitled, *Felton Broussard v. Hillside Logistics Company, LLC, et.al.*, Case No. C-2021-5338, Div. "D" of the 15th Judicial District Court, Parish of Lafayette, State of Louisiana, be removed to the United States District Court, Western District of Louisiana, Lafayette Division and that the 15th Judicial District Court, Parish of Lafayette, State of Louisiana, proceed no further in said action filed herein unless and until this action be remanded by this Court.

Respectfully submitted:

JEANSONNE & REMONDET

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COUNTY MUTUAL INSURANCE COMPANY
AND NICHOLAS BERRY

² *Id.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system and has been served via email, facsimile, electronic filing notification, and/or first-class United States mail, proper addressed, postage prepaid on the following:

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Lafayette, Louisiana on this 14TH day of February 2022.

/s/ Michael J. Remondet, Jr.
MICHAEL J. REMONDET, JR.